UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,807	04/15/2004	Blaine H. Dolph	AUS920040071US1	6686

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EXAMINER
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3661	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 July 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

    4a) Of the above claim(s) *26-32 and 34* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25 and 33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendments to the specification submitted on July 30, 2008 are in proper

form and does not contain any new matter. Accordingly, the amendments have been

entered into the specification.

Drawings

The entered amendments to the specification have rendered the Drawings

complete. The objection the drawings has been withdrawn.

Response to Arguments

Applicant's arguments, see page 12, filed July 20, 2008 with respect to the

rejection of claim 1 under 35 USC 112 second paragraph have been fully considered

and are persuasive. The rejection of claim 1 under 35 USC 112 second paragraph has

been withdrawn.

Applicant's arguments and amendments , see page 12 filed July 30, 2008 with

respect to the rejection of claim 33 under 35 USC 101 have been fully considered and

have overcome the rejection. The rejection of claim 33 under 35 USC 101 has been

withdrawn.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claims **1-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent No. 6,456,938 to Barnard (Barnard). Barnard is concerned with a personal

DGPS golf course cartography system which includes the ability to map the course with

the device receiving GPS signals as well as utilizing GPS and the maps created to

navigate the course afterwards.

Regarding independent **claim 1** "A method for developing GPS-related user

applications, said method comprising:

acquiring a GPS reading for a location at which a GPS receiver is located;"

storing said GPS reading;

"determining a desired geometric shape to be related to said GPS reading; and"

"associating said geometric shape to said GPS reading for defining an area

having said geometric shape, said area having a selectable relationship to said GPS

reading." – the process of map creation is described starting at Bernard col. 13, line 1,

where a user walks the course recording vertexes (GPS readings) at set periods. At col.

13, lines 42-44, each vertex may be a specific shape. Further the user creates a

polygon (geometric shape) representing the feature that has been traced as shown in

Fig. 3.

Regarding **claim 2**, which is dependent on claim 1, "wherein said geometric

shape is determined by:

acquiring a plurality of said GPS readings;

converting said GPS readings to location points; - and

connecting said location points together to provide said geometric shape."

Figure 3 in Barnard however illustrates an example of an device receiving GPS

readings at set time intervals and connecting [30] the location points [35A] together to

provide a geometric shape; in Barnard's case, a golf green. Developers of GPS related

user applications are sophisticated programmers for whom associating the GPS

readings to locations on the golf course would be everyday activities. Therefore, it would

be obvious to use Barnard's technique capture GPS readings to improve the

development method in the same way.

Regarding **claim 3**, which is dependent on claim 1 and claims "further including:

storing in memory a plurality of algorithms for generating said geometric shapes;

and selecting one of said geometric shapes for said associating." - In Bernard col. 22,

line 23 through col. 24 line30, the algorithms available for generating geometric shapes

and the shape created are detailed.

Regarding **claims 4 & 8-10**, which are dependent on claim 3 "wherein one of

said plurality of geometric shapes is a circle (4), polygon (8), triangle (9) and square

(10)". – The selection of a circle/polygon/triangle/square is a matter of choice, each of

them being a common geometric shape. The circle is used for a mound, the square and

triangle are easily computed and/or walked off and the polygon has been described in

Claim 2.

Regarding **claims 5 -7,** which are dependent on claim 4 specifying the ways to

define a circle based on GPS readings, there are only a finite number of ways to define

a circle, with three defined in these claims. It would have been obvious to try these

methods as predictable solutions that had a reasonable expectation of success. In

particular, Figures 11 and 12 of Bernard illustrate adding features to a map. One

feature that can be added is a mound, which at col. 23, line 41 is defined as a circle

Bernard specifies a method to define the circle in the section titled "mark" at col. 21,

lines 17-45 including using two location points as the end points of a diameter of a circle

to both locate and size the circle.

Regarding **claim 11,** which is dependent on claim 1 "wherein said method is

accomplished by an execution of an application development program, said application

development program including code for creating predetermined areas." – As illustrated

in Bernard Fig. 29, the features of Hole, Tee Box, Green etc. are each predetermined

areas that can be created by the map creation development program.

Regarding **claim 12,** which is dependent on claim 1 "wherein said method is

accomplished by an execution of an application development program, said application

development program including code for defining string and integer variables." – As

illustrated in Bernard Fig. 28, the data received form the position indicating unit is

separated into variables of string or integer type.

Claims **13-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bernard as applied to claims 1-12 above, and further in view of U.S. Patent No.

6,691,032 to Irish et al. (Irish). Irish is concerned with executing user definable events

triggered through geolocation data describing zones of Influence. Irish lists as needs

that it fulfills – a need for a framework for building user-definable events triggerable

through geolocation data describing zones of influence as well as temporal and

independent conditions and a need for an approach to defining locational, temporal and

independent event triggers used in a combination of GPS and wireless computational

technologies. Further while Irish discusses the applicability of its method to games; it

explicitly illustrates the concept of zones in Figure 7 with a golf example.

Regarding **claim 13**, which is dependent on claim 1 "wherein said method is

accomplished by an execution of an application development program, said application

development program including code for defining verbs useful in writing said user

applications, said verbs including keywords used in conditional statements." – While

Bernard tags areas with descriptive names, and applies visual features based on the

areas, it does not discuss the application development environment. Irish discusses the

application development that includes zones (areas) that are geolocated and

incorporated one or more trigger conditions (col. 2 lines 57-60). Such trigger conditions would be generated by conditional statements. It would have been obvious to one of ordinary skill in the art at the time of the invention to augment the geolocated data created by Bernard with the triggering mechanisms of Irish according to known programming methods to yield the predictable result of an action triggered by proximity to an area,

Regarding **claims 14 – 16**, which are dependent on claim 13 "wherein said verbs include a keyword for triggering a throwing of an event when a user enters (13)/leaves (14)/is presently within (16) said defined area." – Irish at col. 5 lines 1-5 describes non-times events as those which occur based on locational or independent conditions – where locational conditions are entry, exit, and proximate to an area.

Regarding **claim 17**, which is dependent on claim 13 wherein "said application development program further includes code for defining prepositions which may be attached to said verbs." - Irish further defines conditional trigger events (col. 4 lines 61-65).

Regarding **claims 18 - 20**, which are dependent on claim 17 "wherein said prepositions include code for 'narrowing a referenced condition to be for a specified amount of time (18)/ narrowing a condition to when a user is entering or leaving said defined area from a certain direction (19)/ narrowing a referenced condition to apply

only to a user in movement (20)." - These prepositions fall within the parameters

defined for triggered, conditional triggered, and non-timed events based on independent

conditions as defined in Irish col. 4, lines 51-67.

Regarding **claims 22-25**, which are dependent on claim 1 "wherein said method

is accomplished by an execution of an application development program, said

application development program including code for accomplishing a predetermined

processing action." "said predetermined processing action is a launching of a browser

application (23)/ is a playing of an audio file (24) / is a printing of a message (25)." - In

Irish col. 9, lines 28-60 the application of the method to a golf game is discussed.

Predetermined processing actions include – notifying a central facility of the location of

a golf cart, checking for safety when a user enters a tee area and outputting an audio

alert when another player is on the same whole. The remainder of the actions in the

claims is common programming tasks well within the skill level of a navigational

programmer.

Claim 21 is rejected at least because it depends on a rejected

independent claim

Regarding independent **claim 33**, "A medium programmed to provide operating

signals when said medium is read by a compatible reading device, said operating

signals being effective for enabling development of GPS-related user applications, said

operating signals being further effective for: acquiring a GPS reading for a location at

which a GPS receiver is located; determining a desired geometric shape to be related to

said GPS reading; and applying said geometric shape to said GPS reading for defining

an area having said geometric shape, said area having a selectable relationship to said

GPS reading." –the claim claims a computer readable media which when loaded

provides an environment for enabling development of GPS-related user applications.

The subject matter of the claim is the same as that of claim 1 and is rejected under

Bernard for the same reasons.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. U.S. Patent No. 5,214,757 to Mauney et al. for an interactive

automated mapping system, U.S. Patent No. 5,731,997 to Manson et al. for a GPS

enabled method for collecting data for an artifact, U.S. Patent No. 6,236,360 to Rudow

et al. for a further example of a gold course information system and U.S. Patent Pub.

No. 2003/0236601 to McLeod et al. for a control system using active areas on a golf

course to restrict carts to specifiable areas of a course,

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LIN B. OLSEN whose telephone number is (571)272-

9754. The examiner can normally be reached on Mon - Fri, 8:30 -5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thomas G. Black can be reached on 571-272-6956. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin B Olsen/
Examiner, Art Unit 3661

/Thomas G. Black/

Supervisory Patent Examiner, Art Unit 3661